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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Twelfth and thirteenth periodic reports submitted by Czechia under article 9 of the Convention, due in 2018*, **

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** The annexes are on file with the secretariat of the Committee.

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I. General Section

1. The Czech Republic is a party to the International Convention on the Elimination of All Forms of Racial Discrimination (the "Convention"), which the former Czechoslovak Socialist Republic signed on 7 March 1966 and ratified on 29 December 1966. The Convention entered into force for the country on 4 January 1969, requiring it to provide the Committee on the Elimination of Racial Discrimination with periodic reports on compliance with the commitments deriving from the Convention. The Czech Republic submitted the Combined Tenth and Eleventh Periodic Report in 2014.

2. In accordance with Concluding Observation No. 39 on the Tenth and Eleventh Periodic Report, we hereby submit the Combined Twelfth and Thirteenth Periodic Report on Compliance with Commitments Deriving from the Convention, covering the period from 1 March 2013 to 30 September 2017.

3. The following were taken into account in the preparation of the report:

- Guidelines for the CERD-specific document to be submitted by States parties under article 9, paragraph 1, of the Convention (CERD/C/2007/1);
- Concluding observations on the combined tenth and eleventh periodic reports of the Czech Republic (CERD/C/CZE/CO/10-11);
- Relevant facts and new measures taken by the Czech Republic to comply with commitments deriving from the Convention in the reporting period.

4. Approved by the Government, the present Report will be published on the website of the Government Council for Human Rights along with other documents related to compliance with our international human rights commitments including previous reports. The Report has been drawn up by bodies of public administration in conjunction with representatives of civil society and academia working with the Council, its committees and its secretariat.

II. Special Section

Article 1

5. Antidiscrimination legislation continues to be based on the constitutional principles of equality in dignity and in rights, and the prohibition of unlawful differences in treatment.[1] This legislation, described in more detail under Article 2, was not significantly changed in the reporting period.

Article 2: Legislative and administrative measures to combat discrimination

Engagement in international human rights commitments and initiatives

6. In the reporting period, the Czech Republic ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. We also ratified the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on Action against Trafficking in Human Beings, and the Convention against Trafficking in Human Organs.

7. In addition, we are preparing to ratify other international conventions, such as the Council of Europe Convention on preventing and combating violence against women and

[1] For more details, see HRI/CORE/CZE/2010, p. 42, paragraph 145 et seq.

domestic violence. We are also drafting consultation documents on relevant legislation to pave the way for the ratification of the International Labour Organisation's Domestic Workers Convention (No 189). In 2017, the Government approved a proposal to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities and submitted it to Parliament with a view to obtaining its consent. The proposal received the Senate's backing, but the Chamber of Deputies was unable to respond before it was dissolved at the end of the parliamentary term. Ways to continue the ratification process are being explored. In 2018, the Government will also analyse compliance with the Czech Republic's commitments deriving from the International Covenant on Economic, Social and Cultural Rights in order to assess the suitability of the ratification of its Optional Protocol.

8. The Human Rights and Transition Promotion Concept was approved in 2015. One of the thematic priorities is to promote equality and non-discrimination. The principle of equality and non-discrimination is one of the fundamental principles and cross-cutting priorities of Czech foreign policy. No one's rights can be infringed on grounds such as race, colour, ethnic origin, or membership of a national minority, and members of minorities must be guaranteed equal participation in public life. According to the Concept, the Czech Republic will respond to serious cases of discrimination on multilateral platforms and in bilateral relations, and will promote the protection of human rights associated with equality and non-discrimination through projects under the Transition Promotion Programme.

9. The Office of the Government Council for Roma Minority Affairs implemented a project called "Mobilisation and Empowerment of Roma Stakeholders via the National Roma Platform" in 2016–2017. These platforms are supported by the EU as forums representing Roma interests and fostering dialogue between mainstream society and the Roma minority. In this respect, the project promoted efficient cooperation among relevant stakeholders and a proactive approach by the Roma to their affairs. The project is continuing in 2017–2018. It aims to coordinate integration activities regionally and locally, identify Roma integration stakeholders, and engage them in addressing the Roma minority's needs and problems, and monitoring the implementation of the Roma Integration Strategy. Project activities comprise training and meetings in Prague and the regions, along with publications geared towards the implementation of the Roma Integration Strategy and community work.

Response to Concluding Observation No. 31

10. The Czech Government is not planning to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families because it believes that migrant workers' rights are assured by the existing legislation and the measures described in this Report.[2]

Response to Concluding Observation No. 32

11. As noted in the previous Report,[3] following the Durban Declaration and Programme of Action, the Czech Republic considered whether to adopt a National Action Plan against Racism. After analysing the relevant measures, programmes and concepts being implemented by various bodies of public administration, we decided against adopting such a plan because we were already pursuing the individual points of the Durban Declaration and Programme of Action through existing measures described in this Report. We continue to adhere to this opinion.

Response to Concluding Observation No. 33

12. As the number of people of African origin is less than 1% of Czech population[4] we have not prepared any measures specifically targeting that group. Their rights are protected under other measures described in this Report.

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[2] See also the Czech Republic's previous report, CERD/C/CZE/10-11, paragraph 9.

[3] CERD/C/CZE/10-11, paragraph 12.

[4] According to official statistics, there were approximately 2,500 people of African origin, i.e. from

National legislation on protection against racial discrimination

13. There has been little change in basic legislation on protection against discrimination. The Antidiscrimination Act remains the pivotal piece of legislation. In the reporting period, there was just one amendment,[5] prompted by the EU directive on the protection of EU workers' rights.[6] The draft set out to safeguard the freedom of movement of EU workers and members of their families around EU Member States. It included a ban on discrimination on grounds of nationality. EU law also envisages equal treatment in access to employment, social and tax benefits and housing, and children's access to general education, apprenticeships and vocational training.[7] The EU legal regulations were implemented by amending the Antidiscrimination Act comprehensively regulating protection against discrimination in those and other areas. In this way the EU workers and members of their families enjoy the same protection against discrimination as other victims. Certain areas of non-discrimination were also clarified.

14. Recourse for racially and ethnically motivated crime continues to be regulated by the Criminal Code. Protection against racial discrimination remains in place in the new Act on Liability for Misdemeanours and Misdemeanour Proceedings and the Act on Certain Misdemeanours taking effect on 1 July 2017. The Act on Certain Misdemeanours contains the misdemeanour against civil coexistence committed by someone who restricts or prevents a member of a national minority in the exercise of their rights or harms another person on account of their ethnic origin, race, or colour or for other specified reasons.

15. No measures further to Article 2 (2) of the Convention are applied in the Czech Republic, although these are possible under national law.[8]

National non-legislative measures of protection against racial discrimination, including Response to Concluding Observation No. 10

16. The main non-legislative document focusing on protection against racial discrimination is the Roma Integration Strategy up to 2020, approved by the Government in 2015. The Office of the Government Council for Roma Minority Affairs prepared the Strategy in extensive cooperation with the Roma community. The Strategy aims to create a framework for measures to improve the situation faced by many Roma in the Czech Republic in core quality-of-life areas (education, employment, housing, health and social issues) and gradually close the gap between some of the Roma and the majority population, while providing the Roma with effective protection against discrimination, fostering safe coexistence and encouraging the development of Roma culture, language and participation. The Strategy starts by describing the current status of the Roma and the basic trends that hamper successful Roma integration. The document goes on to set out a vision, a breakdown of goals, and various measures to achieve them. In terms of its content and focus, the Strategy is a follow-up to previous conceptual documents, such as the Roma Integration Concept 2009–2013. One of the Strategy's essential components is its monitoring mechanism, as described below. The Government's annual Reports on the Situation of the Roma Minority and on the Situation of National Minorities in the Czech Republic keep track of the plight of the Roma and other national minorities.

countries on the African continent, in the Czech Republic at the end of 2016. This equated to approximately 0.025% of the Czech Republic's total population. See https://www.czso.cz/documents/11292/44321488/c01R04_2016.xlsx/50fe0cfc-7c34-4325-9d83-31c574f4cab3?version=1.0.

[5] Act No 365/2017, amending Act No 198/2009 on equal treatment and legal means of protection against discrimination and amending certain acts (the Antidiscrimination Act), as amended, and other related acts, effective from 1 January 2018.

[6] Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers.

[7] Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union.

[8] CERD/C/CZE/10-11, paragraph 6.

Response to Concluding Observation No. 6

17. As noted in the previous report,[9] population censuses and research surveys are the two ways in which we can collect ethnicity-related data. The Charter of Fundamental Rights and Freedoms provides that everyone has the right to select their national identity themselves by way of self-identification.[10] The State must respect their choice and cannot determine anyone's national identity itself or register it of its own accord.[11] Although the Czech Republic views data of this sort as a significant basis in the making and pursuit of policy, information on national or racial origin remains sensitive data that can be processed with the consent of a particular person (which may take the form of their explicit identification with a given minority) or for statutory reasons (which does not include the acquisition of data for purposes of public administration). One exception is the population census, which is governed by a special law. The next census is scheduled for 2021. Research surveys (e.g. in the education sector) are conducted on an ongoing basis.

18. In 2016, the Government approved the Guidelines for the Monitoring and Evaluation of the Implementation of the Roma Integration Strategy. This monitoring system relies on specific indicators mapping progress in the implementation of Strategy's measures. Individual ministries and other administrative authorities have devised their own monitoring mechanisms to be able to monitor the implementation of the Strategy and provide data on the Roma situation. The monitoring mechanisms involve representatives of State administration, civil society and the academic community, including Roma themselves. Strategy monitoring outputs will be published every year in the Report on the Situation of the Roma Minority.

Institutional arrangements, including the response to Concluding Observation No. 8

19. The pivotal institution for the protection and promotion of human rights continues to be the Ombudsperson, whose main task is to observe the performance of State administration in accordance with the law and principles of good governance. The Ombudsperson is also the national equality body. The activities and competence of the Ombudsperson's office were detailed in the previous report, and are also described in our responses certain concluding observations.[12] Regrettably, the Parliament did not pass an amendment to the Ombudsperson Act intended to reinforce the Ombudsperson's powers related to discrimination. Instead, the powers were expanded only to include monitoring of the implementation of the Convention on the Rights of Persons with Disabilities and monitoring of the equal treatment of EU workers, as discussed above. Negotiations are now under way with the Ombudsperson to discuss the steps necessary for her office to be accredited as a national human rights institution. The budget and staffing capacity of the Ombudsperson's office continues to rise in proportion to its expanding competence. In 2017, the Ombudsperson's office had a budget of just over CZK 110 million. The budget for 2018 is CZK 138 million. There were 136 employees in 2017 including 84 experts responsible for discharging Ombudsperson powers.

20. The engagement of Roma continues to be supported in particular by their membership in the Government Council for Roma Minority Affairs, where they account for half of the members, and its bodies, such as the Local Government Cooperation Committee, the Roma Education Working Party, the Foreign Cooperation Working Party and the Unlawful Sterilisation Working Party. The Council is the main body for cooperation between Roma and State administration. Besides representatives of the Roma minority, the membership base includes ministers in charge of departments crucial for improvements in the Roma situation, representatives of State institutions, and experts in fields affecting the Roma situation (education, health, employment, housing, etc.).

21. All regions have coordinators for Roma minority affairs, who form a basic institutional network used by the state to communicate and promote its integration policy in the regions. The coordinators are involved in the production of regional strategic

[9] CERD/C/CZE/10-11, paragraphs 16–18.

[10] Article 3(2) of the Charter.

[11] Section 4(2) of Act No 273/2001 on the rights of members of national minorities.

[12] CERD/C/CZE/10-11, paragraph 21, CERD/C/CZE/CO/10-11/Add.1, paragraphs 1 and 2.

documentation related to the Roma minority, organise workshops and conferences, and work with Roma advisers in municipalities and other stakeholders to address specific problems in the region. Roma affairs coordinators also provide the State with significant feedback and information about the regional situation. Municipalities have Roma advisers, who coordinate Roma integration activities locally. These advisers should be present in every municipality with extended powers. In 2016, there were 221 advisers in 170 out of the 205 municipalities with extended powers.

Article 3: Prohibition of racial segregation and apartheid, and response to Concluding Observation No. 12

22. New research from 2015 shows that the Czech Republic has more than 600 socially excluded communities in 297 municipalities, where between 95,000 and 115,000 people live.[13] This number is rising, because the populations within these communities have climbed by almost half. Beforehand, these communities tended to be limited to larger cities, but they are now also appearing in smaller municipalities. For the most part, these sites are populated by Roma. However, the proportion of Roma has shrunk to the extent that they are a minority of the inhabitants in some socially excluded communities.

23. The Agency for Social Inclusion — whose activities are described in the last report — operates in selected municipalities. At the heart of its activities, the Agency supports municipalities with socially excluded communities by promoting means and policies to assist the social integration of inhabitants at risk of social exclusion, and by encouraging development in socially excluded communities in the interest of the municipality and its population as a whole. In each municipality, local strategic social inclusion plans define a framework of cooperation and its goals. At the end of 2017, almost 100 municipalities, or alliances of municipalities, were involved in cooperation with the Agency. The Agency provides municipalities with expert know-how to ensure social cohesion and assistance in the provision of services supporting education, employment, social housing, social work, community activities and safety. It also provides counselling on the use of resources for social inclusion activities from European Structural Funds, the central government budget, regional subsidy schemes and other sources and facilitates the communication with central bodies of public administration responsible for social inclusion and the tabling of proposals in the fields of legislation, subsidies, social policy, etc., based on experience from work in the communities.

24. The Government's main strategy documents are the Strategy to Combat Social Exclusion 2016–2020 and its Action Plans. These strategic documents guide the expert and ideological direction of the Agency and its partners in the communities. The Strategy's main objective remains to eliminate social exclusion. The Strategy enjoins government bodies to systematically monitor socially excluded communities and come up with specific solutions for the most common problems. In employment, the focus is primarily on applying the active employment policy instruments, creating jobs suitable for jobseekers from socially excluded communities (e.g. in the system of phased employment), motivating them to join the legal labour market, encouraging employers to cooperate with labour office staff and the social workers of municipalities and NGOs, and supporting the employment of young people to ease the situation of first jobseekers. The Strategy tries to tackle over indebtedness by improving financial literacy and regulating lenders. In housing, the key lies in social work to prevent loss of housing and to pass on the skills needed to maintain housing, accompanied by support for municipalities to create and manage social housing stock. In social matters, it is essential to sufficiently support and coordinate social work and the planning and provision of adequate social services primarily targeting families with children. In education, the Strategy particularly recommends integrating children from excluded communities into mainstream education and discouraging them from early

[13] See the Analysis of Socially Excluded Communities in the Czech Republic, GAC spol. s r. o., 2015, available here: http://www.gac.cz/userfiles/File/nase_prace_vystupy/Analyza_socialne_vyloucenych_lokalit_GAC.pdf.

dropping out of the education system, e.g. by taking on more expert and educational advisers at schools.

25. In the past year, the Agency has also cultivated cooperation with the regions as it pushes for the implementation of proven means of social inclusion on a regional level. The Agency's representatives in the regions provide expert support and guidance. The Agency has representatives, inter alia, in working parties and mini-teams set up to deal with inclusion or career advice. In 2016, the Agency established a new research team to devise initial analyses in those municipalities entering into cooperation with the Agency, along with theme-based research. The Agency is also extensively involved in shedding light on social inclusion and defusing tension locally. A communication manual has been produced for local partners.

26. The obligations and competence of municipalities and the state in the fields of housing and social inclusion remain unchanged. Municipalities, within their constituencies, retain autonomy over the creation of conditions to meet the needs of their citizens in areas such as housing, social care, the protection and development of health, and education. Municipalities are also meant to contribute to the social inclusion of their inhabitants. In addition, municipalities and regions are subject to all obligations requiring them to safeguard equal treatment under the Antidiscrimination Act and other regulations. Any discrimination by a municipality can be addressed through judicial channels, and it is possible to seek damages, the cessation of discrimination, and the rectification of any consequences. Besides these individual remedies, the competent bodies (the Ministry of the Interior, other ministries with competence in this area, and regional authorities) continue to supervise the publication of legal regulations and other measures by municipalities and regions. The first step is always to invite municipalities or regions to take corrective action. If they fail to do so, the competent body may suspend the effect of a regulation or measure and, if the situation is still not remedied, it may file an application with a court for annulment or, where legal regulations are concerned, petition the Constitutional Court to overturn them.

Article 4: Legislative, administrative and other measures against propagating racial hatred and violence against racial and ethnic groups

Legislation to prosecute racism and hatred

27. Racist propaganda and racial abuse continue to be punishable under relevant provisions of the Criminal Code. Those provisions were detailed in the last report.[14] Only a minor amendment was made in the reporting period. The crime of denying, doubting, approving and justifying genocide was amended with effect from 2014 to enable the prosecution of the denial, doubting, approval or justification of Nazi and Communist crimes against humanity and war crimes.

The combating of racism and extremism, including the response to Concluding Observation No. 14

28. The public prosecutors, within the scope of their competence, systematically place an emphasis on the procedures in the detection of hate crimes. Public prosecutors at all levels continue to have prosecutors specialising in crimes committed on grounds of racial, national or other hatred. National and international cooperation related to extremism-related crimes is guaranteed by the national terrorism, extremism and hate crime correspondent and his expert team. The national correspondent guarantees interdepartmental and international cooperation, analyses case-law and technical articles, contributes to the processing of questionnaires, to educational activities (especially those organised by the Judicial Academy) and to interdepartmental cooperation and meetings, attends — or proposes attendance — of domestic and foreign conferences, etc.

[14] CERD/CZE/10-11, paragraphs 32, 33 and 34.

29. Besides the criminal prosecution of individual cases in accordance with relevant laws, Concepts to combat extremism and hate crime are drawn up annually and subsequently evaluated with an annual Report on Extremism in the Czech Republic. The Concept has long focused on five strategic objectives: the provision of information on hate crimes and prevention of its spread, anti-extremism training and awareness-raising, the prevention of societal conflicts and hatred, improvements in the expertise of police and judiciary authorities, and assistance for victims of crime. Racially motivated crimes, among others, are also targeted by the Crime Prevention Strategy 2016–2020, which follows up on the previous strategy. A set of Good-practice Examples from the previous strategy can be disseminated and used. The competent department of the Ministry of the Interior and the Security Information Service publish quarterly reports on extremism.

30. In the reporting period, efforts to tackle racism, xenophobia and extremism concentrated on education and training for the improved and more efficient punishment of racist crimes. Guidance documents were updated and educational activities for Czech Police officers and prosecutors were scaled up. Representatives of the non-governmental sector were involved in lecturing.[15] Training events were accompanied by the production of guidance documents for the police stressing the work with victims of hate crime. Another underlying methodological document is the Guidance for the Selection, Training and Activity of Crime Prevention Assistants. This document intended for the police and municipal assemblies serves as a reference for systemic crime prevention measures to increase safety and public order. In 2016, support was also channelled into teacher training on the primary prevention of risky behaviour at schools, with a focus on extremism. Extremism-related training programmes are also offered to teachers by the National Institute for Further Education.

31. A specialised working party made up of experts from the Ministry of the Interior and the Czech Police is preparing a systemic improvement to the collection of data on hate violence. The online police hotline for reporting hate crime on the internet will be improved and made more specific in its coverage. Further police specialists in IT crime have also been recruited to focus on hate crime on the internet, especially social media.

32. A ruling handed down by the Constitutional Court in 2015 has helped to make headway in the prosecution of politicians and public officials for manifestations of racial hatred.[16] The case in question concerned an attack on a married couple by a gang of Roma. A member of Parliament responded with a publicly available status on his Facebook profile. A criminal prosecution was initiated against the MP for the crime of inciting hatred against a group of persons or the restriction of their rights and freedoms. The MP maintained that he should fall outside the competence of law enforcement agencies because, according to the Czech Constitution, an MP or a senator cannot be criminally prosecuted for speeches or other similar manifestations made in the Chamber of Deputies, the Senate, or its bodies. The Constitutional Court narrowed down this form of immunity by setting three conditions — the protected manifestation must involve the communication of information or the expression of an opinion orally, in writing, visually or by other means, it must be made at a meeting of a parliamentary chamber or its bodies and be directed towards other participants in the parliamentary debate, not just outwardly. The MP in question could not claim immunity in this case because he failed to comply with the second and third conditions. In other words, immunity does not mean that MPs and senators are exempt from criminal prosecution for manifestations of racial hatred.

33. In this area, we might also highlight political declarations that, in contrast, combat hate speech. The minister of education publicly protested against hate speech and verbal attacks directed towards a primary school that had published a photograph of first-graders with many children of minority origin and ethnicity.[17] The then prime minister, along with

[15] For example, in 2016 almost 300 police officers received training from instructors from In iustitia, an organisation providing assistance to victims of hate violence.

[16] Judgement of the Constitutional Court I. ÚS 3018/14 of 16 June 2015].

[17] Class photo in Teplice daily sparks hate speech on social networks

other politicians such as the minister of justice and a Czech MEP, condemned the assault of a man of African origin by a group of football fans.[18] The club in question joined the chorus of disapproval. In 2017, general statements denouncing racist attacks in the Czech Republic were made by the former Minister for Human Rights, Equal Opportunities and Legislation. A similar stance on such attacks was also voiced by the chairpersons of two influential political parties (the Civic Democratic Party and the Pirate Party).[19]

Media activity

34. Respect for the principles of the Convention and human rights standards is safeguarded, in accordance with international rules, by the Czech Television Act, the Czech Radio Act, the Radio and Television Broadcasting Act, and the On-demand Audiovisual Media Services Act. Under the above laws, one of the main tasks of public-service media is to provide objective and verified information to enable free formation of opinion by the audience. The media should create and broadcast channels and offer a balanced range of programmes targeted at all groups of the population, taking into account their freedom of religion and conviction, culture, ethnic origin, national identity, social background, age and gender. These channels and programmes shall reflect diversity of opinion, as well as political, religious, philosophical and artistic trends, and thus enhance mutual understanding and tolerance and foster the cohesion of a pluralistic society including members of national or ethnic minorities. The principle of the objectivity and balance of information applies to all broadcasters without discrimination. They are also required to ensure that the programmes they broadcast do not incite hatred on grounds such as race, and their programming must not reinforce stereotypical prejudices about ethnic, religious or racial minorities. On-demand audio-visual media service providers must also ensure that the service they provide does not incite hatred on grounds of race.

35. The Council for Radio and Television Broadcasting is responsible for overseeing compliance with these principles and obligations. If broadcasters breach statutory obligations or licensing conditions, the Council alerts them and sets them a time limit for corrective action. If the matter is not resolved, the Council assesses whether a misdemeanour under the Radio and Television Broadcasting Act has been committed. Faced with a misdemeanour, the Council has the authority to impose a fine of between CZK 1,000 and CZK 10 million, depending on its severity. Ethical principles are set out and/or developed further in codes. Public-service media, e.g. Czech Radio, Czech Television[20] and the Czech News Agency,[21] are required to adopt a code by law. Besides these public-service media codes, another significant document is the Code of Conduct in News and Current Affairs, drawn up by the Association of Television Organisations. There are other important associations in the Czech Republic, such as the Syndicate of Journalists, a voluntary professional grouping of journalists,[22] whose members are required to respect the Statute and, in particular, to abide by the Journalist's Code of Conduct, according to

http://www.radio.cz/en/section/curraffrs/class-photo-in-teplice-daily-sparks-hate-speech-on-social-networks Education Minister Stanislav Štěch issued a statement to the effect that attacks against innocent young children and institutions of learning were cowardly and would not be tolerated.

[18] PM condemns football fans attacking African in Prague tram. *http://praguemonitor.com/2017/11/10/pm-condemns-football-fans-attacking-african-prague-tram*

[19] Czech Human Rights Minister: Hatred of minorities is being exploited during elections. *http://www.romea.cz/en/news/czech/czech-human-rights-minister-hatred-of-minorities-is-being-exploited-during-elections*

[20] The preambles of the codes of both Czech Radio and Czech Television include the principles of fostering the cohesion of society and the integration of all individuals, groups and communities, and of avoiding cultural, sexual, religious, racial or political discrimination and societal segregation. Both documents have a separate article devoted to non-discrimination.

[21] The Czech News Agency's code stipulates that any mentions of race, colour, religion, gender, sexual orientation or any physical or mental disease of a person are to be eschewed by the Agency unless directly related to the content of the news being reported.

[22] http://syndikat-novinaru-cr-z-s.webnode.cz/.

which journalists must not produce or render any theme that would incite discrimination on grounds of race, colour, religion, gender or sexual orientation.[23]

Public awareness

36. One of the pillars of the fight against extremism is to provide the public with detailed information. The Ministry of the Interior and the Czech Police document hate speech in their regular reporting. The Centre Against Terrorism and Hybrid Threats has been set up in the Czech Republic. This tool is used by the Ministry of the Interior to respond proactively to current phenomena, including hate crime. One example of awareness-raising would be support for the publication of periodicals and radio and television broadcasting in the languages of national minorities and/or disseminating information on those minorities, which is provided under the programme Support for the Dissemination and Reception of Information in the Languages of National Minorities run by the Ministry of Culture.[24] The Ministry of Culture's Cinematography and Media Subsidy Scheme supports projects dealing with racial discrimination. Examples include the ONE WORLD International Human Rights Documentary Film Festival, FAMUfest, and the Jihlava International Documentary Film Festival.

Article 5: Rights specifically guaranteed by the Convention

I. Part I — Individual rights and their application in public life

A. Right to equal treatment before the courts and all State bodies

37. In the reporting period, there were no changes in access to the courts and other state bodies. Laws regulating these procedures always guarantee all parties to the proceedings the right to equal treatment.

38. Any racist or other crimes by police officers are investigated by the specialised General Inspectorate of Security Forces. Victims of racist crimes are assisted by entities providing help to crime victims under the Victims of Crime Act.

39. The Czech Republic has not incorporated into its laws any special measures to curtail the rights of suspected terrorists in contravention of constitutional and international guarantees of due process. As such, suspected terrorists enjoy the same procedural status and same protection as other crime suspects.

B. Right to personal liberty and security and protection by the State against violence and bodily harm

40. Conditions applicable to restrictions of personal liberty continue to be maintained equally, regardless of race, ethnicity or nationality. Prisons remain required to take into account the cultural and religious beliefs of persons deprived of their liberty when seeing to their material and spiritual needs, such as food, spiritual and social services, etc. Possible racist attacks in prisons continue to be investigated by the General Inspectorate of Security Corps. Safety outside prisons continues to be secured mainly by the criminal prosecutions mentioned above,[25] and by certain other measures as described below.

41. The police maintain a non-discriminating approach and respect minority-related differences. In 2015, the Czech Republic adopted the Strategy for Czech Police Work with Minorities 2015–2017.[26] This Strategy primarily aims to foster trust between the Czech Police and members of minorities including the improvement of police officers' ability to engage in intercultural communication. The police's systematic work with minorities is

[23] Article 3(h) of the Code of Conduct, available here: http://syndikat-novinaru-cr-z-s.webnode.cz/etika/kodex/.

[24] In 2017, funding of CZK 20,850,000 was distributed among 33 successful applicants, including the Democratic Alliance of Roma.

[25] For more details on criminal prosecutions, see CERD/C/CZE/10-11, Article 4.

[26] The Strategy is available here: http://www.mvcr.cz/soubor/strategie-pro-praci-policie-cr-ve-vztahu-k-mensinam-2015-2017-pdf.aspx.

geared towards the formation of mutual trust between the police and members of minorities, police knowledge of factors specific to minorities, and the engagement of minorities in the successful import of law and order into their environment. The Strategy continues to rely on liaison officers for minorities at all regional directorates of the Czech Police, and on their working parties. Liaison officers continuously monitor the security situation within communities, take part in preventative activities, and act as a communication bridge between minorities and the police. The Crime Prevention Assistant Programme is progressing. Since 2013, it has been joined by the Janitor/Prevention Officer Programme. Assistants work for the municipal police and help to reduce the numbers of crimes and misdemeanours perpetrated in socially excluded communities, enforce the law, prevent disputes among neighbours, and change majority society's negative view of socially excluded population. Assistants are selected from the inhabitants of socially excluded communities which are frequently Roma. The creation of the new position of janitor/prevention officer helps to tackle not only the management of a municipality's housing stock in socially excluded communities, but also to increase safety and public order in the community by means of the "controlled self-management" of residential buildings.

42. In addition, we continue to respect the principle of non-refoulement and we do not extradite persons who would be exposed to the risk of torture or other serious human rights violations, or who have been granted international protection in the Czech Republic.[27] The ways in which this principle is observed were described in the previous report.[28] Compliance with the law in cases of administrative expulsion continues to be monitored by the Ombudsperson. She conducted four inspections of expulsion and extradition in 2015, rising to six in 2016 and as many as 20 in 2017.

C. Political rights, in particular the right to participate in elections

43. In the Czech Republic, the right to vote is granted to all citizens without discrimination when they have reached the prescribed age of 18. Foreign nationals have the right to vote and stand for election when granted by an international treaty. In practice, this is limited to EU citizens. Czech citizenship remains necessary for certain political positions, e.g. the office of mayor, deputy mayor, or a member of the Prague City Council.

44. Municipalities and regions with larger population of national minorities[29] set up national minority committees. Following an amendment to the law, these committees are no longer set up automatically, but formed only upon request by an association of active members of a national minority in the municipality. A committee may also be established voluntarily in municipalities with a lower minority population. In 2016, minority committees existed in 52 municipalities due to legal requirement and in 11 municipalities voluntarily. In 29 municipalities with a sufficient minority community no committee had been formed due to lack of interest of the minority. In numerous municipalities, national minority issues are covered by a commission of the municipal council, by the appointment of a minority affairs coordinator or adviser, etc. In municipalities where more than 10% of the population comprises members of national minorities, official election materials are also published in the languages of those minorities. Other rights of members of national minorities associated with elections, as described in the previous report, remain in place.[30]

D. Other civil rights

Right to freedom of movement and choice of residence within the State

45. There were no changes in this area in the reporting period. We continue to grant equal rights to all persons. As at 1 July 2017, the new Misdemeanours Act scrapped the punishment of the prohibition of residence described in the previous report.[31]

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[27] Section 393 of the Code of Criminal Procedure.

[28] CERD/C/CZE/10-11, paragraph 52.

[29] At least 10% of the population in a municipality or 5% of the population in a region.

[30] CERD/C/CZE/10-11, paragraphs 53 and 54.

[31] CERD/C/CZE/10-11, paragraph 56.

Right to leave any country, including one's own, and to return to one's own country

46. There were no changes in this area in the reporting period. We continue to grant equal rights to all persons.

Right to citizenship, including the response to Concluding Observation No. 28

47. It is now possible, under the new Citizenship Act effective from 2014, for Czech citizens to have dual or multiple citizenship. Czech legislation on the acquisition and loss of citizenship is based entirely on the principle of preventing statelessness. The conditions prescribed for the acquisition of citizenship are in accordance with international treaties regulating stateless persons.[32]

48. The Citizenship Act prescribes that children under the age of three found in the Czech Republic acquire Czech citizenship on the date of their discovery, if their identity and citizenship cannot be established within six months. The Act also enables children who are born in the Czech Republic and have not acquired the citizenship of either of the parents, to automatically acquire Czech citizenship upon birth provided that at least one of the parents had been granted residence for a period of longer than 90 days at the date of the child's birth. Czech citizenship is also granted to a stateless child born in the Czech Republic and placed in alternative care. Czech citizenship may also be granted to persons more than three years old with a limited mental capacity or a disability, which are found in the Czech Republic, if their identity and citizenship cannot be established within six months.

Right to marriage and choice of spouse

49. There were no changes in this area in the reporting period. We continue to grant equal rights to all persons. This situation has not even been altered by the new Civil Code effective from 1 January 2014, which continues to grant the equal right to marriage irrespective of race.

Right to own property, right to inherit

50. There were no changes in this area in the reporting period. We continue to grant equal rights of ownership to all persons.

Right to freedom of thought, conscience and religion

51. There were no changes in this area in the reporting period. We continue to grant equal rights to all persons.

Right to freedom of opinion and expression

52. There were no changes in this area in the reporting period. We continue to grant equal rights to all persons.

Right to freedom of assembly and association

53. An amendment to the Act on the Right of Assembly prompted changes in this area from 1 November 2016. The most important change is the new power handed to municipalities giving them greater scope to regulate an assembly and set its conditions in advance. For example, a municipal authority may adjust the route to be taken by a procession to avoid a socially excluded community, or set the conditions for holding two assemblies at the same time and place in order to avoid conflict between the participants. In addition, the details of the notification of an assembly were clarified and extended somewhat, and the obligation of organisers to be present at their notified assembly was introduced.

[32] The Czech Republic is a State party to the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness and the European Convention on Nationality.

54. In 2014, the Supreme Administrative Court [33] addressed a decision by České Budějovice City Hall that had banned an assembly called Demonstration against Crime and Breaches of the Law by the Czech Police, and for the Rights of all Law-abiding Citizens of this Country. This ban was subsequently upheld by the regional court. Both bodies assessed the true purpose of the assembly and took into account the personal characteristics of the organiser, the place where the assembly was to take place, and publicly available information about the assembly participants and their previous activities. In this light, the Supreme Administrative Court upheld the ban because the assembly was manifestly intended to threaten the Roma minority's rights and could have resulted in the use of violence and other breaches of public order. The information provided a sufficient basis to justify banning the assembly. This ruling was ultimately upheld even by the Constitutional Court.[34] In those cases where an assembly is permitted, the participants have the right to hold their assembly, and State bodies — specifically the Czech Police — are required to take steps enabling it to be held. Furthermore, only these bodies have the right to end an assembly on grounds of racist proclamations and/or other infringements of the law; this cannot be replaced by obstruction or other activities by the participants of another assembly.[35] The Supreme Administrative Court also ordered municipal authorities to duly assess whether assemblies notified long in advance are not intended, in reality, to pervert the right of assembly by obstructing other assemblies.[36]

E. Economic, social and cultural rights

Right to work and the response to Concluding Observation No. 16

55. Labour law continues to safeguard equal access to employment. The unemployment rate in the Czech Republic has long been below average and continues to fall. High unemployment among Roma in excluded communities, running at 80–85%, is a major problem.[37] Measures under the active employment policy are intended to help bring this figure down. The main objective is to ensure that there is equal and effective access to public employment services, instruments available under the active employment policy, and advisory services adapted to the needs of Roma clients. Individual action plans are drawn up by the Labour Office with unemployed persons registered as jobseekers for more than five months, or earlier if so requested. These tailored action plans lay down individual measures to increase the job prospects of jobseekers and a timetable for their implementation.

56. One of the above measures is community service comprising work opportunities as the maintenance of public spaces, public buildings and roads or other similar activities benefiting municipalities or State and other non-profit institutions. These employers may be awarded a wage contribution on a recurring basis for up to 24 months. Community service is intended to activate and motivate participants and foster or renew working habits among the most disadvantaged jobseekers. "Socially purposeful jobs" are a similar instrument for those who have been registered as jobseekers for longer than 24 months, for the poorly skilled, and for those who are at risk of socially exclusion or are socially excluded. Employers may be awarded a wage contribution for up to 24 months as in the previous case. The priority use of these instruments is directed at jobseekers unable to find employment by other means on account of their individual disadvantages. Employers are also incentivised to take on part-timers who need to take care of a child or other dependant. Employers who recruit two jobseekers on a part-time basis to cover a single job may, on aggregate, receive a higher wage contribution than if appointing only one person for the vacancy. The Labour Office also grants wage or salary contributions to employers who take on jobseekers unable to secure a job by other means.

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[33] Judgment of the Supreme Administrative Court 6 As 125/2013 of 30 October 2014.

[34] Judgement of the Constitutional Court III. ÚS 3823/14 of 22 October 2015.

[35] Judgment of the Supreme Administrative Court 9 As 185/2016 of 12 January 2017.

[36] Judgments of the Supreme Administrative Court 2 As 60/2013 of 29 November 2013 and 6 As 123/2013 of 3 April 2014.

[37] See the Analysis of Socially Excluded Communities and/or periodic reports on the situation of the Roma minority.

57. The "Guarantees for Young" programme focuses on promoting increased employment among the young and among jobseekers who are Roma. Under the programme, all jobseekers up to the age of 25 are offered appropriate employment, further education, training and/or work placements. These programme measures are offered to jobseekers within four months of the date of their registration with the Labour Office. Since 2017, the Ministry of Labour and Social Affairs has introduced an allowance to encourage regional mobility intended to motivate jobseekers to find work away from home. It comprises a commuting allowance and a relocation allowance. Other measures to support employment include assistance for those wishing to start up a business on their own, retraining, career advice that focuses on matching jobseekers' personality and skills with a particular profession, and other advisory activities concentrating on job-finding techniques.

58. Other core areas are support for business and freelancing among Roma and, in particular, the promotion of social entrepreneurship. Social entrepreneurship projects are supported by ESI funds. The Government is drawing up a new Social Entrepreneurship Act, which should lay down the conditions of social entrepreneurship and foster its development, thereby furthering the economic activity of disadvantaged groups.

59. Projects that help to improve the situation of Roma in the labour market continue to be implemented with financial support from the European Social Fund. The "Ethnic Friendly Employer" project described in the previous report is progressing.[38] Today, 66 employers have earned this title. In the Czech Republic, 42 companies have subscribed to the European Diversity Charter, undertaking to create a working environment open to everyone regardless of gender, race, colour, nationality, ethnic origin, religion, belief, health, age or sexual orientation. These companies promise to introduce HR management rules fostering diversity with a stress on the fair recruitment and selection of employees, access to training, career growth, appraisals and remuneration, and personal and family situations.

Right to form and join trade unions

60. There were no changes in this area in the reporting period. Equal rights and non-discrimination continue to apply here.

Right to health protection, medical care, social security and social services

61. In the Czech Republic, the right to health protection, medical care, social security and social services is safeguarded in accordance with the law irrespective of ethnic origin, gender, sexual orientation, age, disability or religion. Everyone is equal before the law and no discrimination is admissible. We respect equal access to social security benefits that safeguard social protection in the cases defined by law and in accordance with international treaties and regulations.

Response to Concluding Observation No. 16

62. In 2015, the Ministry of Health backed a project of the National Institute of Public Health "Health Promotion in Excluded Communities — Reducing Inequalities in Health". This project showed that the health of socially excluded Roma is determined primarily by their social status. The inequalities in health felt by the inhabitants of socially excluded communities can be attributed to their poorer education and diminished socio-economic conditions. The people who live there have limited access to information, and they often find it hard to understand the information available. Furthermore, people who are on low incomes and are less educated frequently do not consider a healthy lifestyle to be a priority. Inappropriate diet, lack of exercise, the risk of addiction, and poorer access to health care are problems to which the inhabitants of socially excluded communities may be exposed more than the mainstream population.[39] Consequently, health care in socially excluded communities will continue to be a focus, along with efforts to raise awareness among these

[38] CERD/C/CZE/10-11, paragraph 72, http://www.ethnic-friendly.eu/english.

[39] Health Promotion in Excluded Communities — Reducing Inequalities in Health. Available at: http://www.szu.cz/tema/podpora-zdravi/podpora-zdravi-ve-vyloucenych-lokalitach-snizovani.

communities' inhabitants. In 2016, in a bid to improve the health awareness of Roma, the Ministry supported a project to reduce inequalities in health faced by the excluded population.

63. "Health and social assistants", as a form of social service, have proved highly successful in raising health awareness and broadening the use of health services. These assistants make major contributions to awareness-raising and motivation among Roma to use public health services.[40] In 2015, there were nine health and social assistants in seven communities; in 2016, there were six health and social assistants in six communities.

64. Doctors and other health professionals, in their approach to patients, abide by the principle of equal treatment irrespective of ethnicity. This principle has been reflected in the doctors' code of conduct approved by the Czech Medical Chamber and in the codes of conduct of nurses and other health professionals. The training of doctors and health professionals also contributes to an equal approach to patients. In 2015, the Ministry of Health proposed that the lifelong learning of paramedics should include new training on minority groups. This training is now offered as a course entitled "Care for Foreign Nationals and Specific Nursing Care for Members of Minority Groups". The course dwells on factors specific to minority groups, cultural and social differences, the health and social aspects of minorities, migration, immigrants and language barriers.

Unlawful sterilisation of Roma women, including the response to Concluding Observation No. 22

65. Regarding the compensation for victims of unlawful sterilisation, we refer in full to our previous responses to certain concluding observations.[41] We currently consider court actions to be a means of redress for violations of the rights of unlawfully sterilised persons.[42] We are willing to consider revising the three-year statutory time limit for bringing actions for financial compensation for non-material harm. Notwithstanding this, the supreme judicial authorities have already made it a requirement to consider whether objections based on the statute of limitations are in accordance with principles of public morals. Other forms of redressing non-material harm, such as moral satisfaction and terminating an infringement or removing its consequences, cannot be statutorily barred and may be sought at any time. Moreover, if the legislation on the statute of limitations were to be amended, it would only apply to cases taken place after that change, in accordance with the principle of legal certainty. As such, extending the time limit now would be of no help to victims of unlawful sterilisation in the past. Finally, as far as criminal prosecution is concerned, we refer to our previous responses,[43] in which we noted that criminal complaints filed in cases of unlawful sterilisation had been duly investigated and that the criminal proceedings had been brought to a close in accordance with the Code of Criminal Procedure. They cannot be reopened because criminal prosecution is now time-barred.

66. In light of the seriousness of sterilisation, the Ministry of Justice has decided to monitor courts' decision-making on permission for "medical sterilisations" among particularly vulnerable groups like persons with limited legal capacity, persons with mental disorders unable to judge such a procedure for themselves, and children. The aim is also to prevent opportunities to abuse sterilisation. The programme of statistical surveys for 2018 will be expanded to include the number of sterilisations carried out, broken down into men and women, minors and persons with limited legal capacity, whether conducted within the scope of surgery, paediatrics, urology or gynaecology. The National Hospitalised Patients Register from 2007 to 2016 indicates that no girls and boys up to the age of 18 were sterilised.

67. In March 2016, the Government Council for Roma Minority Affairs passed a resolution setting up an Unlawful Sterilisation Working Party, tasked with finding other forms of supporting unlawfully sterilised persons than the provision of financial

[40] A key service provider is DROM, the Roma centre, which has run the field programme "Health and Social Assistance" since 2007.

[41] CERD/C/CZE/CO/10-11/Add.1.

[42] Ibid, paragraphs 12 and 13.

[43] Ibid, paragraphs 15 and 16.

compensation by the State. This resulted in a request from representatives of unlawfully sterilised women for specific psychological help to be arranged for them. In 2016, in response to that initiative, consultations were held with the Ministry of Health and General Health Insurance Organisation, resulting in the establishment of cooperation with the Czech Psychotherapeutic Society. This society selected experts from its ranks to give free expert therapy to unlawfully sterilised women and to provide feedback to the working party.

Deinstitutionalisation of care for children at risk and response to Concluding Observation No. 20

68. The transformation of the system of care for children at risk, planned according to the National Strategy on the Protection of Children's Rights 2012–2018, aims to reduce the number of children placed in institutional care. The core objectives are the unification of the system of care provided to children at risk, deinstitutionalisation and the development of alternative care of children at risk, and the support of substitute family care. Specific measures to meet those objectives were included in the Action Plan for the Implementation of the National Strategy on the Protection of Children's Rights 2012–2015, which yielded certain improvements in the system. A central role here was played by an amendment to the Child Protection Act, effective from 1 January 2013, which prioritised family rehabilitation and mechanisms to prevent children from being removed prior to their placement outside the family. The amendment also systemically enshrined a preference for foster care in a family environment for children temporarily or permanently unable to remain in their own family rather than institutional care. The amendment introduced social care instruments into the practices of child protection agencies. The amendment also detailed the procedures to be followed by child protection agencies when entrusting a child into the care of another person, clarified the conditions for the mediation of adoption and foster care, and established criteria for the preparation and further training of foster parents. The law now regulates foster care benefits and the support of foster parents in form of services provided by accompanying organisations. The socio-legal protection of children was also standardised by the amendment in order to unify practices, ensure equal access to assistance for children at risk and guarantee the quality of child protection services.

69. In 2015, work started on preparing the follow-up Action Plan for the National Strategy on the Protection of Children's Rights 2016–2020, which contained significant systemic measures relating to legislation and financing necessary for the effective and comprehensive transformation of the system. However, persistent disagreements between the Ministry of Labour and Social Affairs, the Ministry of Health, and the Ministry of Education, Youth and Sports concerning the unification of services for children at risk and their concentration within a single ministry meant that the Action Plan was not adopted. Despite this setback, work is continuing on the transformation of the current system under the project "Systemic Development and Support of Social Protection Instruments", which will be implemented by mid-2019. There are plans for another project in the future that will focus on the deinstitutionalisation of children's care. This project, "Support of Systemic Changes in Services of Care for Children at Risk, Young People and Families in the Czech Republic", will concentrate on transforming residential facilities into preventive field and walk-in services for children at risk and their families. In 2018, preparations will also be made for the new National Strategy on the Protection of Children's Rights 2019–2025.

70. There are also new legislative regulations on the various concepts of substitute family care (adoption, guardianship, foster care, placement of a child into another person's care) in the new Civil Code, effective from 1 January 2014. The period for placement of a child in institutional care has been restricted to three years, with the option of an extension. Courts are required to examine at least once every six months whether the reasons for the institutional care remain and whether arrangements for alternative family-based care can be made. It has been expressly enshrined in law that the housing conditions or economic standing of a child's parents or carers cannot, in themselves, constitute grounds for a court decision ordering the removal of the child, provided that the parents are in all other respects capable of duly looking after the child and complying with other duties deriving from their parental responsibility.

Right to education and training

Inclusive education and response to Concluding Observation No. 18

71. We addressed this issue in more depth in our responses to certain concluding observations.[44] The amendment to the Schools Act introduced a new system for the education of pupils with special educational needs, effective from 1 September 2016. This system abandons the categorisation of children and pupils according to their health or social status and, instead, focuses on the problems faced by pupils in their education and the necessary assistance. The approach to pupils with special educational needs is based on defining their educational needs and providing support measures to assist their education based on recommendations made by a counselling facility. The changes should also ensure sufficient financing for these measures. Inclusive education counselling is also provided by the Agency for Social Inclusion. In cooperating municipalities the Agency analyses education systems and needs, encourages the strategic planning with the involvement of children's parents and teachers, contributes to teacher training, seeks out and shares examples of Czech and foreign good practice, and helps to shape the educational system and inclusive measures.

72. Since 2013, the Czech School Inspectorate has conducted annual surveys to monitor long-term trends in the education of Roma taught according to the Framework Education Programme for the Primary Education of Children with Mild Mental Disability. Since October 2015, the survey has encompassed all primary schools entered in the schools register. The amendment to the Schools Act introduced the possibility of requiring schools and school facilities to provide qualified estimates of numbers of Roma children, pupils and students. The change was driven in particular by efforts to make such data more contemporaneous and mutually comparable in the future. The methodology used to identify Roma pupils continues to draw on the Analysis of Socially Excluded Roma Communities and the Absorption Capacity of Entities Operating in this Area, drawn up in 2006 by the Ministry of Labour and Social Affairs and the Government Council for Roma Minority Affairs. Head teachers, in their qualified estimates of numbers of Roma children, pupils and students, use the following definition to identify Roma: Roma are defined as individuals who consider themselves to be Roma without necessarily subscribing to such ethnicity in all circumstances and/or who are considered to be Roma by a significant proportion of their surroundings on the basis of actual or perceived anthropological, cultural or societal indicators.

73. Another significant measure introduced by the amendment to the Schools Act was to make final year of preschool education at a kindergarten compulsory for children over the age of five to ensure that all children have a successful start to their primary education. Preschool education tends to be provided for four hours a day. The final year of kindergarten remains free of charge. Children from the age of four are entitled to enrol at kindergartens from September 2017; this age will drop to three as of September 2018 and two as of September 2020. Municipalities must make arrangements for these children's pre-school education. Furthermore, as of 2017 the preparatory classes of primary schools are reserved only for children who have deferred their compulsory school attendance. This is because other children are now to be prepared for their primary education in the kindergarten.

74. Documentation for the implementation of inclusive education is being published on the website of the Ministry of Education, Youth and Sports to ensure the effect of the reform on the ground. Visitors to the website can ask questions and make comments and suggestions. An information package containing guidance and interpretations related to inclusive education and changes to the education of pupils with special educational needs has been prepared. This information package has been produced — and is supplemented on an ongoing basis — in cooperation with professional associations.[45] Between April and June 2016, 28 information workshops were held in all of the Czech Republic's regional capitals. These workshops held in cooperation with the National Institute for Further

[44] CEDR/C/CZE/CO/10-11/Add.1.

[45] http://www.msmt.cz/vzdelavani/spolecne-vzdelavani-1.

Education and the National Institute for Education focused on inclusive education and provided training to almost 3,000 head teachers of kindergarten and primary schools, along with staff from school counselling facilities. The workshops provided information on legislative changes, changes in the counselling work of schools and school counselling facilities, support measures, the placement of pupils and communication between pupils' legal guardians, the school counselling facility and the school. The workshops also included information on the use of funds and opportunities for the further training of teachers. The National Institute for Further Education ran 248 inclusive education training programmes for primary school teachers and 147 training programmes for school management. These training programmes were attended by 2,850 kindergarten teachers, 4,451 primary school teachers, 471 secondary and post-secondary school teachers, 105 primary and secondary art school teachers and 99 teachers from school facilities for interest education.

Education in Romani and support for the education of Roma

75. The Roma do not have their own education system in the Czech Republic because they have not expressed an interest in such a system. Romani is an optional subject in the Czech Republic's education system. Education statistics show that Romani is not and never has been taught at any primary school. In the 2013/14 school year, Romani was taught at three secondary schools. In the 2014/15 and 2015/16 school years, Romani was taught at one secondary school. In the 2016/17 school year, it was taught at two secondary schools.

76. The study of Romani in higher education enjoys a long-standing tradition courtesy of the Roma Studies Department,[46] set up at the Faculty of Arts, Charles University, Prague in 1991. The bachelor's and master's programmes include language courses on Romani's various dialects. Graduates have an insight into Roma culture from both an anthropological and artistic aspect, an overview of existing Roma sub-ethnic and linguistic groups, and a knowledge of the historical and present-day dimensions of the issues, and how the current socio-cultural and economic situation of the Roma ethnicity ties in with its historical development. Other higher education institutions where Romani can be studied are the Faculty of Education at Masaryk University, Brno, the Faculty of Education at Charles University, Prague, the Faculty of Arts at the University of Pardubice, and the Faculty of Arts at Ostrava University.

Right to equal participation in cultural events

77. The Museum of Romani Culture continues to operate in the Czech Republic. In the reporting period, the Museum had a permanent exhibition entitled "The Story of the Roma". Every year, it prepares one or two short-term exhibitions. It also offers numerous travelling exhibitions. Besides exhibitions, the Museum also organises a wide range of other public events.[47] Since 2014, the Museum has published a journal called Bulletin of the Museum of Romani Culture, which reports on the Museum's year-round activities and publishes expert articles, historical and ethnographic studies, reviews of literature, and other texts. In 2013–2017, several of the Museum's projects were supported under a programme to promote cultural activities of members of national minorities living in the Czech Republic. In 2013, it was awarded a grant to create interactive programmes for the exhibition "Roma and the Media" and accompanying programmes intended for the general public. An exhibition catalogue in form of a daily newspaper was also published. In 2014, grants were received for the projects "Roma and Sport" and "Roma Celebrate the Festival of Museums" (in celebration of Brno Museums at Night). In 2015, support was provided for the project "Tell, Paint, Play… The Story of the Roma", and workshops were held to foster the creativity of pupils and students via artistic activities. These were followed up by new educational programmes led by students and the Museum's teacher. The project included the production of guidance documentation for teachers distributed among teachers and freely available on the Museum's website. In 2016 and 2017, another grant was awarded for the project "Roma Celebrate the Festival of Museums".

[46] http://www.romistika.eu/.

[47] See also CERD/C/CZE/10-11, paragraph 91.

78. The activities pursued by the Museum of Romani Culture have long concentrated on the persecution of the Roma during the World War II and on commemorating victims of the Roma Holocaust.[48] It takes care of memorial sites associated with the persecution and genocide of Roma, such as the "gypsy camp" in Hodonín u Kunštátu, the mass grave of victims in Žalov, and the commemorative plaque and memorial site at the cemetery in nearby Černovice. In addition, the Museum worked with Comenius National Pedagogical Museum and Library to prepare an exhibition called "Memorial to the Roma Holocaust in Hodonín".

79. In 2017, the Government approved a plan to pass the Memorial to the Roma Holocaust in Hodonín u Kunštátu into the hands of the Museum of Romani Culture. The Museum should start managing the Memorial in early 2018. The Ministry of Culture revised the Museum's deed of establishment to complement its mission by the commemoration of the suffering of Roma interned in the former gypsy camp, including the care and maintenance of the memorial site. The Government also took steps to find a solution to the memorial site at the former camp in Lety u Písku. It opened negotiations with the owners of the pig farm here with a view to purchasing the site. Talks ended with the signing of a purchase contract in November 2017. The pig farm should close within the next few months, after which structures here will be demolished to give way to an appropriate memorial site, which will also be managed by the Museum of Romani Culture.

80. The Ministry of Culture runs subsidy schemes to support cultural events and activities intended to cultivate society by providing insight into the culture of various ethnic groups. These schemes provide members of national minorities in the Czech Republic with funds to develop their cultural activities. The scheme[49] has supported projects implemented by Czech citizens hailing from the Bulgarian, Croatian, Hungarian, German, Polish, Roma, Ruthenian, Russian, Greek, Slovak, Serbian, Ukrainian, and Vietnamese national minorities. There has also been a project of Jewish minority. Subsidies have been granted for multi-ethnic cultural events contributing to mutual learning about different cultures and attempting to prevent expressions of xenophobia. The Ministry of Culture holds also an annual subsidy scheme to promote the integration of members of the Roma minority. It supports artistic, cultural, and educational activities aimed at combating the negative manifestations of extremism, racial intolerance, and xenophobia and expert studies intended to expand the public's knowledge of Roma culture, traditions and history.

Right of access to all places and use of all services intended for the general public

81. There were no changes in this area in the reporting period. The Charter and the Antidiscrimination Act continue to guarantee freedom of movement and the freedom of access to all public places, irrespective of race, ethnicity or nationality, and access to the goods and services on offer there.

II. Part II — The situation of non-citizens (foreign nationals, immigrants and stateless persons)

82. The regularly updated Concept for the Integration of Foreign Nationals — in mutual respect, containing an analysis of the structure of the population of foreign nationals, shows that the number of third-country nationals (i.e. those from outside the EU) residing in the Czech Republic is steadfastly growing, and that there are tens of thousands of new arrivals every year. Every year, the Concept is followed by the annual Procedure for the Implementation of the Concept for the Integration of Foreign Nationals, which sets specific tasks in response to the outlined problems. The 2018 Procedure centres on five priorities for the integration of foreign nationals — knowledge of the Czech language, economic self-sufficiency, the ability to negotiate one's way around society, the fostering of mutual relations between communities, and the gradual acquisition of rights according to the length of residence. The State Integration Programme intended for the integration of refugees is

[48] Other activities include the installation of stolpersteine memorial stones to commemorate victims of the Roma Holocaust from the erstwhile settlement of Černovičky in Brno in collaboration with the Opus Lacrimosa association and the DROM Roma centre.

[49] In 2017, this scheme supported 60 projects with subsidies totalling CZK 9,435,000.

facilitating Czech lessons, access to the labour market, the acquisition of housing, education and retraining. From 2018, they can also take courses that will provide them with the rudiments of education in the fields of culture and democracy.

83. Integration is both a local and a regional process. The key actors are Regional Centres for the Support of the Integration of Foreign Nationals specialising in assistance, counselling and support for foreign nationals authorised to reside in the Czech Republic. They aim to provide a platform of long-term and conceptual support for the integration of foreign nationals. The Centres engage in activities promoting the social, legal and linguistic emancipation of foreign nationals in the regions. The Centres are also responsible for organising the activities of regional advisory platforms dealing with foreign nationals' problems and for promoting the development of civil society geared towards foreign nationals. In each region, the Centre works with regional and municipal authorities, the Foreign Police, the state and municipal police, labour offices, tax offices, trade licensing offices and other entities. Municipalities with a large foreign community receive support for integration projects in conjunction with the foreign nationals living in the municipality, NGOs, schools and other integration stakeholders on the spot.[50] Projects focus on the comprehensive support of integration on a local level, along with the prevention and defusing of tensions between foreign nationals and other inhabitants of municipalities and the prevention of the formation of closed communities. Municipalities may also devise their own integration strategies. Besides the documents described above, there are also annual Reports on Migration and on the Integration of Foreign Nationals in the Czech Republic and Overviews of Projects Implemented for the Integration of Foreign Nationals. These reports provide root-and-branch analyses of the legislative framework, visa policy, legal and illegal migration, integration and international protection.

84. We make sure that information is available for foreign nationals. We continue to run a project in cooperation with an NGO that provides assistance to long-term residing foreign nationals at the offices of the Ministry of the Interior. The Ministry of the Interior and the Ministry of Labour and Social Affairs keep up to date their joint website "Foreign Nationals in the Czech Republic"[51] providing access to necessary documents, contact details and information. The Ministry of the Interior has supported the production of a three-tier system of information for foreign nationals, i.e. a set of pre-departure information called "Next Stop — Czech Republic" available at embassies and consulates in the countries of origin, introductory adaptive integration courses called "Welcome to the Czech Republic",[52] and instructional film and leaflet "How To…", designed to make it easier for foreign nationals to process their residence-related affairs themselves. Courses of socio-cultural orientation for long-term resident foreign nationals continue to be provided. A series of informative guides, published on the Ministry of the Interior's website in 6–8 language versions, has been published and continues to be updated. On the "Czech for foreigners" website, all information related to the system of Czech language lessons and exams for foreign nationals is kept up-to-date.[53] The Ministry of Labour and Social Affairs and its subordinate institutions provide information on conditions for the employment of foreign citizens, in several languages, on their website.[54] They also update and publish leaflets intended to make it easier for foreign workers to negotiate the system.[55] The EURES information and advice system continues to contribute to information for those interested in migrating for work purposes. This information concerns the living and

[50] In 2014, these projects included the holding of a national conference of towns and boroughs entitled *How to Promote Coexistence with Foreign Nationals*. In 2016, one of the City of Prague's boroughs implemented a municipal project entitled *Integration of Foreign Nationals for the Borough of Praha 14 — Praha 14 for All*.

[51] http://cizinci.cz/cs/.

[52] These courses will be compulsory for all newly arriving foreign nationals in the future.

[53] http://cestina-pro-cizince.cz/?hl=en_US. The passing of these exams is one of the conditions to be granted permanent residence.

[54] https://portal.mpsv.cz/sz/zahr_zam.

[55] These leaflets include "Basic information for foreign nationals on labour-law regulations in the Czech Republic", "Employment card", "Posting of Ukrainian citizens to the Czech Republic from another Member State of the European Union for work purposes", and "Information for employers who wish to employ refugees".

working conditions in various European countries. The new powers of the Ombudsperson in the protection of EU workers' rights, as described above, should also raise foreign nationals' awareness of their rights.

Conditions for the employment of foreign nationals

85. Permanently resident foreign nationals essentially enjoy the same employment rights as Czech citizens. The same applies to beneficiaries of international protection and other groups of foreign nationals defined by the Employment Act, e.g. students and graduates of accredited colleges and disciplines. Third-country nationals may be employed in the Czech Republic provided that they have acquired the necessary work and residence permits. In 2014, the "employment card", a single permit encompassing both employment and residence was introduced. The concept of green cards was subsequently scrapped. Foreign nationals may continue to use blue cards for employment in the Czech Republic, as well as since 2017 the cards of employees transferred within a company. Foreign nationals have the right to the same working and pay conditions as Czech citizens.[56]

86. Labour offices organise retraining in response to job market requirements and the interest expressed by jobseekers. Foreign nationals tend to be interested in retraining courses geared towards specific work activities in line with employers' requirements. As a result, foreign nationals obtain knowledge and skills for the performance of particular work activities and gain a certain proficiency in Czech by communicating with tutors and other students. Labour offices also organise Czech language courses for registered foreign jobseekers.

Education of foreign nationals

87. The education of foreign nationals is viewed as one of the pillars of their integration, hence it is firmly enshrined in strategy documents. This requires the involvement of state administration, NGOs, organisations of foreign nationals, regional and local administration, the academic community, etc. The priorities of integration and educational activities are to pass on a knowledge of Czech language, make foreign nationals economically self-sufficient, ensure that they can negotiate their way around society, and foster mutual relations between foreign nationals and the majority society. Czech language courses are devised under the State Integration Programme for beneficiaries of international protection.

88. A multi-module development programme Support of the Education of Foreign Nationals at Schools is helpful in the education of foreign children. Module A (Free lessons adapted to the needs of children and pupils from third countries) grants subsidies to kindergartens and primary schools that teach third-country children and pupils. The subsidies are intended primarily for Czech language lessons and one-on-one work between the teacher and child. The programme may also be used to cover the cost of textbooks and teaching aids for children. Module B (Safeguarding of conditions for the primary education of minor refugees, beneficiaries of subsidiary protection, applicants for international protection and children/pupils placed in detention centres for foreigners) focuses on increasing funding for schools that teach foreign children who have been granted international protection in the Czech Republic or are placed in detention facilities. The final module (Organisation of free preparation for the educational integration of children and pupils from another EU Member States) is intended to increase funding for schools that teach foreign children and pupils from EU Member States. Support of Activities for the Integration of Foreign National in the Czech Republic is a subsidy scheme geared towards the integration of foreign children and pupils into the Czech culture and society and towards the promotion of intercultural education, Czech language lessons, and their extracurricular activities like the holding of festivals, sports events, and excursions.

89. Teachers educating foreign pupils receive support from the National Institute for Further Education and 13 regional support centres. At these centres, regional coordinators provide advisory services and guidance, help to establish cooperation between schools and

[56] As at 31 December 2016, 382,889 legally working foreign nationals were registered in the Czech Republic.

school facilities, on the one hand, and experts and partners from public administration and the non-profit sector, on the other hand, organise discussion meetings and workshops, and provide guidance materials and education programmes for teachers. There is a web portal[57] offering interested parties information on the range of education programmes and activities provided by regional centres, as well as existing guidance and teaching materials. The website also contains information on applicable legislation and application forms for kindergartens and primary schools translated into the languages foreign nationals in the Czech Republic tend to speak.

Deprivation of liberty for foreign nationals, including the response to Concluding Observation No. 26

90. By law, asylum seekers cannot be detained if they belong to vulnerable groups, like families with children. Other persons staying illegally in the Czech Republic may be detained, but only if statutory conditions have been met, including (but not limited to) the obligation to assess, first of all, whether alternative measures can be imposed instead of detention. In this respect, detention is always used as a last resort for those who have broken the law, provided that it is lawful and in keeping with the European Commission's recommendations. Laws regulate alternative measures and these are imposed in practice. An amendment to the Act on the Residence of Foreign Nationals, which is currently being adopted, envisages the introduction of further potential alternatives to detention, e.g. residence checks that specifically target families with children. As a rule, children are not detained. They stay in facilities together with their detained parents only if care cannot be arranged for them away from the facility. Further information on the detention of foreign nationals can be found in the previous report.[58] The Czech Republic spares no effort in its attempts to prevent families with children from being detained. Where detention does occur, we make sure that it takes place in conditions that are consistent with the law, international standards, and case-law.

91. In the Czech Republic, there are three closed detention centres for foreigners. One of them is intended solely for the detention of families with children and women, and has been given a general overhaul so that it meets their needs as much as possible. The necessary funds are also regularly invested in the quality of accommodation provided in other asylum facilities and detention centres. This funding was increased primarily in response to the migration crisis. Besides the full-scale provision of material equipment, low-threshold leisure activities and free legal assistance are available; applicants receive a financial allowance to ensure a dignified standard of living, etc. Professional personnel from the Refugee Facilities Administration look after persons detained in facilities. In spring 2018, a completely new facility will be opened to improve accommodation and other standards for families with children. Facilities are regularly visited and inspected by the Ombudsperson and international organisations.

Human trafficking, including the response to Concluding Observation No. 24

92. The crime of human trafficking continues to be prosecuted according to the relevant provisions of the Criminal Code. There was little change in the situation in the Czech Republic in the reporting period. We remain primarily a target and transit country, but are also a source country. For the most part, this criminal activity is related to labour and sexual exploitation. Human trafficking in the Czech Republic is generally similar to, and exhibits the same characteristics as in other EU Member States.

93. The Inter-ministerial Coordination Group on Combating of Human Trafficking composed of representatives of competent ministries, the police force and NGOs continued its work in the reporting period. Since 2008, the group's members have met an average of twice a year. The aim of the group is to keep each other informed of processes and changes in the fight against human trafficking and to carry out tasks set out in the National Strategy to Combat Human Trafficking in the Czech Republic 2016–2019. The group's meeting in 2017 focused, for example, on combating human trafficking within the scope of public

[57] www.cizinci.nidv.cz.

[58] CERD/C/CZE/10-11, Articles 101–105.

contracts and on consulting the recommendations made by international organisations. The group's members also work on an annual Report on Human Trafficking in the Czech Republic.

94. Significant changes have been made at the Czech Police. The police force has long addressed the issue of training and cooperation nationally and internationally, including study visits to other countries, where Czech Police officers gather intelligence about new procedures in the fight against human trafficking. The Criminal Police and Investigation Service has appointed human trafficking specialists. In 2017, a new Police President Instruction on Human Trafficking was issued, which set out the basic characteristics of tasks and responsible persons in this area. Among other things, this Instruction created the position of methodology specialist for human trafficking. Another change has seen tasks in this area imposed on liaison officers for minorities.

95. We continue to maintain our training activities. Since 2013, the Police Presidium has been implementing a training project to provide Foreign Police officers working on the EU's external borders with knowledge about human trafficking. Since 2015, a training course has been devised specifically for the Public Order Police Service Directorate to provide police officers with the skills to tackle human trafficking. Training also remains ongoing for judges, prosecutors[59] and consular staff. The Labour Inspectorate continues to work on preventing human trafficking by raising public awareness as much as possible and providing public advisory services to Czech and foreign citizens. The project Innovations to Prevent the Labour Exploitation of EU Citizens was implemented in 2014–2015. Its guarantor was the Ministry of Labour and Social Affairs, with other State and non-governmental institutions also contributing. The aim was to help to protect migrants from new Member States of the European Union (in particular Bulgaria) from labour exploitation. Besides the migrants themselves, the project's target groups were other representatives of State administration and other institutions who may encounter labour exploitation. The project included an information campaign among vulnerable groups of workers. In addition, a draft concept was drawn up to protect EU citizens from labour exploitation in the Czech Republic. In October 2015, the NGO La Strada ČR run a campaign to mark its 20th anniversary of work to combat human trafficking. The campaign objective was to raise the general public's awareness of human trafficking in the Czech Republic. In 2016, it focused on training activities for health professionals and secondary school students.

96. Under the Victims of Crime Act, human trafficking victims are classified as particularly vulnerable victims, which means they have specific rights in criminal proceedings and access to psychosocial and legal assistance. The Ministry of Justice subsidises the activities of NGOs that provide legal advice and other types of assistance to crime victims. This outlay comes to approximately CZK 12 million annually. The Probation and Mediation Service has set up and continues to develop a network of available services for crime victims, including human trafficking victims, and has offered comprehensive counselling, including psychosocial assistance and legal advice. The victim advice bureaus at Probation and Mediation Service centres have been contacted by 15 human trafficking victims since coming into being.[60] Other measures were discussed in the previous report.[61] The Ministry of the Interior's Human Trafficking Victim Support and Protection Programme remains in operation. In 2017, 20 people including 7 Czech citizens were entered in this programme.

97. The Supreme Court's ruling of March 2014[62] defined use of a person for forced labour in line with the term "forced labour" under Article 2(1) of the Convention concerning Forced or Compulsory Labour (International Labour Organisation Convention No 29). Forced labour means all involuntary work or service exacted from a person under the menace of a penalty. In 2014, the Regional Court in Ústí nad Labem noted that the

[59] The Judicial Academy, for example, holds regular events. During 2016, two workshops were held on Sex-related Crime against Human Dignity. In April 2016, a workshop was held on Human Trafficking and Crime Related to the Refugee Crisis.

[60] Five cases in 2015, four cases in 2014 and six cases in the period from 1 April 2017 to October 2017.

[61] CERD/C/CZE/10-11, Articles 110, 112–115.

[62] Judgement 7 Tdo 1261/2013 (R 13/2015).

Czech law viewed the crime of human trafficking as a triangular relationship involving a trafficker, a victim and an exploiter. Exploitation of a victim without the involvement of any third parties would not constitute the crime of human trafficking. Such act can be classified as other crimes such as blackmail.[63]

98. In 2015, the Constitutional Court handed down its finding in a case of the long-running labour exploitation of foreign citizens in Czech forests administration. Victims were foreign nationals who had entered into employment contracts for work, specifically logging and other tasks in woodland, without remuneration. The Constitutional Court stressed the need to duly investigate any case of suspected labour exploitation because the victims are often at a disadvantage and are unable to defend their rights effectively themselves. Nor can overly formalistic requirements be imposed on them. Likewise, they cannot shoulder the blame for each mistake. The case therefore continues to be probed and investigated thoroughly.

Article 6: Protection against all manifestations of racial discrimination, and response to Concluding Observation No. 30

99. The previous report described in detail the legislation on protection against discrimination.[64] Natural persons continue to have the right to equal treatment and not to be discriminated against by both public bodies and private entities in access to their rights under the Antidiscrimination Act. If they suffer discrimination, they may continue to seek redress through the courts and demand the cessation of discrimination, the elimination of its consequences and reasonable compensation. Alternatively, they may file a complaint with an inspection body, which may impose a fine for discrimination. In discrimination disputes, the burden of proof continues to be shared to ease the position of the victim of discrimination as the plaintiff, as also described in the previous report.

100. Each year, the State Labour Inspectorate Authority conducts checks on equal treatment and non-discrimination in labour-law relations and in the exercise of the right to employment. In 2013–2017, it carried out more than 1,600 checks in these areas and identified 711 breaches of equal treatment and non-discrimination, resulting in 226 fines totalling almost CZK 5 million. The State Labour Inspectorate Authority provides also basic advice to the public on labour-law relations. The Authority provides 10,000 advisory services in person, electronically and on paper annually. In the cases of discrimination and unequal treatment, the advice helps to clarify mutual rights and obligations and to remedy any unlawful situation. In 2014, the State Labour Inspectorate Authority also established the position of methodology specialists on equal treatment and non-discrimination at every district labour inspectorate. Methodology specialists receive regular training, attend workshops organised by the Office of the Ombudsperson, and coordinate inspection activities at the district inspectorates. The Authority also fosters cooperation with specialised NGOs.

101. Discrimination in the provision of goods and services remains a field within the remit of the Czech Trade Inspection Authority. Checks on the observance of the ban on consumer discrimination on grounds of race and other factors are a fixture in the annual inspection plans and are conducted throughout the Czech Republic every year. The Czech Trade Inspection Authority's findings indicate that racial discrimination occurs only rarely despite some recurring issues. In the reporting period, there were repeated cases of estate agency advertisements barring Roma from buying or renting housing.[65] Similarly, in some cases Roma were not permitted to enter or were refused service in accommodation facilities, catering facilities and other leisure establishments.[66] The Czech Trade Inspection Authority engages in situation testing to identify and prove cases of racial and other discrimination and uses also Roma inspectors.

[63] Judgment 51 T 5/2013.

[64] CERD/C/CZE/8-9, paragraphs 111–123, CERD/C/CZE/10-11, paragraphs 118–125.

[65] There were seven such cases.

[66] There were five such cases.

102. The national body for tackling discrimination continues to be the Ombudsperson, who helps to promote the right to equal treatment, provides guidance to victims of discrimination on the protection of their rights, carries out research, and publishes reports and recommendations on discrimination issues. The Ombudsperson's core activities continue to be the provision of advice and the dissemination of information in accordance with her role as an institution similar to a national human rights body. Information on the number of complaints concerning discrimination on grounds of Roma ethnicity can be found in Annex 10. This information shows that, generally speaking, the number of complaints being filed with the Ombudsperson is on the rise. The number of legitimate complaints (where discrimination is actually ascertained), however, remains constant at around 10%.

103. In the reporting period, the Ombudsperson handled cases that included discriminatory advertisements, where owners would refuse to let their flats to Roma, and accordingly instructed the estate agents. The Ombudsperson found such practices to be discriminatory or instructions to discriminate.[67] Likewise, the Ombudsperson dealt with the criteria of access to municipal housing, which must not be discriminatory in any way, either directly or indirectly. Here, she succeeded in achieving the cessation of discrimination in certain cases. Another area covered by the Ombudsperson in the reporting period was access to education, especially the enrolment of children in the first year of primary school. In this respect, she made a recommendation to assess the residence of children in the school's catchment area as the sole statutory criterion for their selection and warned against applying other criteria which could come across as indirectly discriminatory such as tests of educational maturity. Any additional criteria must not have a discriminatory impact and must respect the principle of equal access to education.[68] The Ombudsperson also prepared an informative leaflet in Czech and Romani for Roma parents about their rights and those of their children when enrolling in the first year of school.[69]

104. In response to these cases, the Ombudsperson also organised a roundtable discussion with estate agencies in order to raise awareness of the prohibition of discrimination and the unacceptability of all its forms, including any instructions from clients which do not absolve the agency of its liability. The Ombudsperson also cooperates with the inspection bodies described above, provides them with expert observations, takes part in their inspections, and trains staff, whose activities she may then evaluate in subsequent investigations into complaints, along with lawyers, students, higher-education institutions, etc.

105. The Ombudsperson also collaborated with NGOs[70] in the situation testing[71] of ethnic discrimination in various areas of life (especially access to housing and services). Cases of discrimination in access to rental housing described above resulted in discrimination actions before a court and subsequent rulings. In other cases, situation testing was carried out either by the complainants themselves or by NGOs, without any interference from the Ombudsperson or her office.[72] Situation testing remains a legal means of obtaining evidence in discrimination disputes. Indigent complainants may benefit from an agreement reached by the Ombudsperson with the Pro Bono Alliance association, which works with lawyers offering their legal services free of charge. Of the 15 cases in total, three concerned racial or ethnic discrimination.[73]

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[67] Case 112/2012/DIS.

[68] The recommendation is available here: https://www.ochrance.cz/fileadmin/user_upload/ESO/14-2017-DIS-VB-recommendation-EN.pdf.

[69] https://www.ochrance.cz/diskriminace/aktuality-z-diskriminace/aktuality-z-diskriminace-2017/na-den-tumen-andre-skola-te-odmarel-nenechte-se-ve-skole-odbyt/.

[70] IQ Roma Servis, the Advice Centre for Citizenship and Civil and Human Rights, and the League of Human Rights.

[71] General information is available here:https://www.ochrance.cz/en/discrimination/assistance-to-victims-of-discrimination/situation-testing/.

[72] For example, Cases 67/2012/DIS/JKV and 6780/2014/VOP.

[73] More information in English is available at: https://www.ochrance.cz/en/discrimination/assistance-to-victims-of-discrimination/free-legal-aid-to-victims-of-discrimination/.

106. Victims of crime and misdemeanours may also continue to seek the protection of their rights. The competent bodies are required to accept and duly investigate any notification of facts indicating that a racially-motivated crime or a misdemeanour has been committed. Following an amendment to the Victims of Crime Act, with effect from 1 April 2017, victims of crime committed on grounds of race, ethnicity, religion, class or a similar reason have been classified as particularly vulnerable victims who have the right to free legal assistance and representation in criminal proceedings by a lawyer acting as their agent. Consequently, the rights described in the previous report have been expanded.

107. The new system of legal advice for persons in distress, effective from 1 July 2018, could also provide extra protection against discrimination. Indigent applicants will be able to contact the Czech Bar Association and ask to have a lawyer appointed to them to provide legal advice or a legal service. Such legal advice amounts to at least 30 minutes and a maximum of 120 minutes per year. The applicant pays a fee of CZK 100 per session. Exemptions from this obligation apply to persons under the age of 15, persons granted hardship benefit, foreign nationals detained in immigration removal centres or reception centres, persons who are severely disabled with or without a guide, and persons dependent on care and their carertakers. A special form of legal advice has been devised for foreign nationals in detention centres for foreigners and reception centres. Applications are submitted by the facilities themselves on the initiative of foreign nationals without the need to pay a fee. A lawyer then provides advice at the facility to all interested foreign nationals at the state's expenses. Legal assistance may also now be provided, at the state's expense, in the form of representation in administrative proceedings and proceedings before the Constitutional Court. Another positive step from 30 September 2017is the reduction in the court fee for bringing a discrimination action to a fixed amount of CZK 1,000, irrespective of the value of the dispute.

108. There are still not that many discrimination disputes being heard in court. This was also confirmed by the Ombudsperson's research conducted in 2015[74] which showed that only 30 discrimination actions have been brought before Czech courts since 2009. Of the 56 cases between 2004 and 2014, the court upheld the plaintiff's claims in only six cases, and only in one out of 22 cases financial compensation for non-material harm was awarded. The research also confirmed that roughly 10% of the population, according to a sociological survey, feel have been discriminated against, but 90% decided not to do anything about it, do not know what action to take, or do not believe in success and consider the means of protection like a court action or administrative proceedings to be costly and ineffective. Responding to that research, the Ombudsperson recommended raising public awareness and reinforcing the training for public bodies, judges, lawyers and other stakeholders, duly applying existing legislation, including administrative penalties and judicial compensation for victims, and reinforcing legal protection, e.g. by reducing the court fee, safeguarding access to free legal assistance, and/or enshrining the concept of a public action.

109. In the reporting period, the courts arrived at the following conclusions in the field of racial discrimination. They fully confirmed the Ombudsperson's conclusions that landlords have no right to discriminate on grounds of race when letting housing to the public, and that estate agencies mediating such leases must not respect any order by the landlord to exclude prospective tenants on grounds of race.[75] Such conduct may subsequently be checked by means of situation testing, as reconfirmed by the Supreme Court in another two cases.[76] In those cases, the victims of discrimination were also awarded an apology and pecuniary compensation for non-material harm.[77] Furthermore, the Constitutional Court has warned the ordinary courts, on several occasions, to pay attention to matters of indirect discrimination and to properly evaluate the contested conduct from the aspects of proportionality and legitimacy.[78] They should also examine whether the discriminating

[74] The research is accessible here: https://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/diskriminace_EN_fin.pdf.

[75] Judgment of Litoměřice District Court No 14 C 46/2013 of 14 August 2015.

[76] See Orders of the Supreme Court No 30 Cdo 1671/2016 of 16 November 2016 and No 30 Cdo 2712/2016 of 23 November 2016.

[77] CZK 60,000 in the first case and CZK 20,000 in the second.

[78] Finding of the Constitutional Court I. ÚS 1891/13 of 11 August 2015.

entity is concealing discriminatory conduct and how it has borne the burden of proof in this respect.[79] Finally, according to the Supreme Administrative Court advertising containing discrimination on grounds of race is always inadmissible because it is contrary to good morals and could reinforce negative stereotypes or prejudices. This even applies in those cases where members of a minority appear in advertising voluntarily, as discrimination always encroaches on their inalienable and imprescriptible human dignity.[80]

110. Victims of discrimination are also assisted by numerous NGOs, which are supported by the Ministry of Labour and Social Affairs, the Office of the Government and other entities. The Ministry of Labour and Social Affairs primarily supports providers of social services, such as professional social counselling, social rehabilitation and social work in the field. The Office of the Government grant subsidies to municipalities, NGOs and regions under subsidy schemes to promote Roma integration, i.e. Support of Fieldwork[81] and Social Exclusion Prevention and Community Work.[82] Further details can be found in Annex 11. Since 2013, the Ministry of Justice has registered entities offering assistance to victims of crime, including racially motivated crimes, and monitors the quality of service that they provide. There are currently 60 specialised entities in the database, along with 261 lawyers and 77 Probation and Mediation Service centres, all around the Czech Republic.

Article 7: State role in education and training against racial discrimination

111. School education at all levels remains based on the principles of equal access to education for every pupil, without discrimination on grounds of race, colour, national origin, ethnic origin, or other grounds, and on mutual respect, tolerance of opinion, solidarity and the dignity of all participants in the education process. The general objectives of education continue to focus on the development of the personality of individuals, who shall be provided with knowledge, social skills, and moral and spiritual values for their personal and civic life, the pursuit of a profession or work, the gathering of information and learning throughout their life. The pupils shall be provided with an understanding of the principles of democracy and the rule of law, fundamental human rights and freedoms, along with responsibility and a sense of social cohesion and the formation of national and civic awareness and respect for the ethnic, national, cultural, linguistic and religious identity of each individual.[83]

112. Binding "frameworks" for preschool, primary and secondary education are defined by framework education programmes. Framework programmes are then implemented by way of a curriculum document known as the "school education programme", according to which education is provided at individual schools. Education against racial discrimination is included among the outputs expected from the subjects Civic Studies and History, drawing on the lessons that can be learned from wars and crimes against humanity in the 20th century. One of the expectations of the subject of History is the unacceptability of anti-Semitism and racism from the perspective of human rights as presented on practice examples. The subject Civic Studies is expected to teach pupils to be tolerant towards minorities, to recognise intolerance, racism, xenophobia and extremism in human conduct, and to take an active stand against all manifestations of human intolerance. Both of these subjects are taught at primary schools and hence are mandatory for all pupils in the course of compulsory school attendance.

[79] Finding of the Constitutional Court III. ÚS 1213/13 of 22 September 2015.

[80] See Judgment of the Supreme Administrative Court 1 As 46/2013 of 15 October 2013.

[81] Subsidies are intended to support municipalities that employ outreach staff.

[82] This scheme is intended for NGOs to implement projects in support of members of Roma communities and inhabitants of excluded Roma communities with a view to encouraging their efforts to integrate into the life of the local community. Support is also channelled into projects of comprehensive work with the Roma resulting in the interlinking of project activities and the work carried out by other institutions crucial for Roma integration (e.g. healthcare facilities, schools and the police).

[83] Section 2 of the Schools Act.

113. Teacher training to counter racial discrimination is the focus of the Inclusive Education Action Plan 2016–2018. The measure "Education to overcome prejudices and to prevent manifestations of discrimination" incorporates the obligation of equal approach to all pupils and parents without racial prejudice into teacher standards, the obligation of equal treatment into training courses for school staff and materials on discrimination and racial prejudice into expert courses and training. It also provides guidance and financial support for schools to prepare and introduce programmes encouraging tolerance and understanding among different ethnic groups. In 2016, guides for schools on how to tackle bullying were updated. The special annex to the Methodological Recommendation for the Primary Prevention of Risky Conduct among Children and Young People was expanded to include bullying on grounds of racial and ethnic origin.

114. In 2017, the Operational Programme Research, Development and Education included the call "Capacity building for the development of schools II". One of the seven activities supported is Competence for democratic culture, which focuses on the production of civic education programmes for children, pupils and teachers. The thematic areas include the equal access of children and pupils to rights, support for the development of teaching of children's rights, the motivation of children and pupils to actively assert their rights and increased awareness among children and pupils on existing forms of legal advice and opportunities for its use. Other issues are the promotion of democratic values, the prevention of extremism, respect for cultural differences, the prevention of xenophobia and other negative manifestations in society and a reduction in prejudices based on personal and societal factors (e.g. gender or family background) and their influence on the success, ability, education trajectory and career choices of pupils. Selected projects will be launched in 2018.

Training of Czech Police officers

115. The entire system of police education continues to focus earnestly on training against racial discrimination. Courses for students of basic training and students at secondary and post-secondary schools or at the Police Academy are kept up-to-date and honed to improve their quality. We are also witnessing an increase in the training activities available for specialised police units (e.g. crime police specialists, the public order police, etc.). A host of new guidance and teaching materials have been produced, including instructional videos on police work with minorities. In police training, an emphasis is placed on collaborating with NGOs, organisations representing minorities, organisations specialising in racism and the academic community. A project called "Introducing police specialists for police work with the Roma minority in socially excluded communities" was implemented in 2014–2017 in order to increase the competence of police officers working with minorities, improve conditions for preventing and combating specific crimes linked with social exclusion, and strengthen communication and mutual trust between inhabitants of socially excluded communities and law enforcement agencies.

116. The project "Campaign against racism and hate violence" described below included training activities familiarising the Czech Police with hate violence, the associated legal framework and procedures for investigation and communicating with victims. In total, there were five training sessions for press officers, 21 training sessions for officers of the Public Order Police, 4 training sessions for officers from the Criminal Police and Investigation Service, and presentations for the management of municipal police and for police trainers, who should incorporate the information obtained into the police training system. In all, training was provided to 297 police officers. Manuals were also produced for the Public Order Police, the Criminal Police and Investigation Service, press officers and the municipal police. In addition, a guidance manual on hate violence was published.

Judicial training

117. Training for judges, trainee judges, prosecutors and other judicial staff is provided by the Judicial Academy. In 2014 and 2015, workshops were held on extremism, with a focus on hate crime, hate speech and racial discrimination. They were attended by 56 delegates from the judiciary. In 2016, workshops were held on "hate crime" and "organised violent extremism".

118. The theme of racism and extremism is included in the qualification courses taken by probation officers and assistants and in the training of members of the judiciary. In 2014–2017, the project "System for the Further Education of Probation and Mediation Service Officers" was implemented with the Norwegian Directorate for Correctional Services. The aim was to make staff more professional and increase their competence. The theme of racism and extremism was included in the joint module "Addiction issues in probationary work, extremism, and fan violence". The trainees found the training highly beneficial. In 2017, the Probation and Mediation Service entered into learning cooperation with the Police Academy. As a result, the Academy's training on racism and extremism accommodated not only officers from the Prison Service, but also staff from the Probation and Mediation Service.

Dissemination of information

119. The project "Campaign against racism and hate violence", launched in 2014, was aimed primarily at improving awareness of hate violence, promoting Czech society's tolerance towards minorities, and reinforcing social cohesion. The campaign focused on young people, teachers, representatives of municipalities, and police officers. The campaign's budget was nearly CZK 40 million. It officially ended in April 2017, though some activities continue. A new campaign, starting in 2019, will be prepared.

120. One of the campaign's online activities was the creation of the website www.hatefree.cz. More than 600 articles, interviews and positive examples of the coexistence of various minorities and social groups, positive and inspirational stories from their lives, and good practice examples of social inclusion from the Czech Republic and abroad have been posted here to date. In addition, the online campaign exposed more than 100 hoaxes designed to spread hatred towards various groups of population by putting the record straight. Furthermore, the website advises victims of violence, their friends and family, and witnesses what to do if they encounter hate violence. The website is visited by an average of 40,000 people every month. Besides the website, the HateFree Culture Facebook page has been set up as a platform for moderated discussion on themes related to social diversity, minorities and tolerance, drawing on articles and contributions from the HateFree website and elsewhere. This page currently has more than 60,000 fans and approximately the same number of followers. The average daily reach is almost 50,000 new users. More than 60% of active users of the page are not its fans. These activities have made the "HateFree" brand well known among the general public.

121. Many projects were implemented within the framework of the campaign, including the radio, television and photo campaigns called "Hatred Does Not Become You" and "In It Together", and the photo campaign "Love, Simply". In the 2014 autumn/winter season, almost 800 radio and television spots were broadcast as part of the "Hatred Does Not Become You" campaign. In the 2015 autumn/winter season, nearly 1,500 radio and television spots were broadcast as part of the "In It Together" campaign. The Facebook reach of the "Hatred Does Not Become You" photo campaign was approximately 500,000 users, and more than a million for "In It Together" and "Love, Simply".

122. Almost 300 places throughout the Czech Republic (cafés, theatres, galleries, sports facilities, embassies, public institutions, libraries, companies, cinemas, schools, churches, etc.) have the status of HateFree Zone to declare their openness to everyone without discrimination. Over 100 festivals have subscribed to the project's ideas. Similarly, more than 100 HateFree Art exhibitions and performances have been held at art centres and in public spaces. The campaign team also organised public events, such as the popular HateFree Stage stand-up comedy evenings, open-for-all breakfasts for people from different backgrounds, and other lectures, debates, workshops and conferences. Other project areas included the promotion, sharing and development of good practices in social inclusion. A network of 31 experts has been formed, and inspiring examples of good practice can be found at www.dobrepraxe.cz.

123. In addition, the project provided training for pupils, teachers, the police and other social inclusion stakeholders to raise awareness of the risks of intolerance and hate violence and show how they can be countered. This training was attended by 770 teachers, police officers and representatives of municipalities in the Ústí nad Labem and Moravian-Silesian

Regions. Issues related to the social risks of extremism and racism were addressed via school mediation to create the conditions for a peaceful solution of conflicts in schools. Selected 10 pilot schools sent representatives to attend the mediation course and the peer mediator course. After the end of the training 20 school mediators and 81 peer mediators (i.e. the pupils themselves) received support from school supervisors and professional mediators for quarter of a year. In tandem practical training was provided to head teachers and the teaching staff of the schools involved. The pilot project resulted in guidance for the implementation of schools and peer mediation at other schools. A special website was also created at www.mediaceveskole.cz . Besides mediation, another project that has been running in schools since April 2017 is "Media Workshop — Interactive Multimedia Online Environment", where pupils can make photo collages, comics and surveys on the themes of difference, prejudices and stereotypes. A detailed guidance and an instructional video have been prepared for teachers to guide the children in formulating and expressing their views.